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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of decision: 20.11.2023***

+ **W.P.(CRL) 963/2023**

MANJU DEVI

..... Petitioner

Through: **Ms. Supriya Juneja and Ms. Charu
Sharma, Advocates**

versus

STATE GOVT OF NCT OF DELHI

..... Respondent

Through: **Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Agarwal, Mr.
Abhinav Krumar Arya, Mr. Shivesh
Kaushik, Advocates and Insp. G.R.
Meena, SI Ramavtar, PS Swaroop
Nagar**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE SHALINDER KAUR

J U D G M E N T (oral)

1. Present petition has been filed as Habeas Corpus under Article 226 of the Constitution of India seeking directions to the respondent to produce missing minor daughter of the petitioner.
2. The petitioner is aggrieved by the fact that on 26.12.2022 at around 02:00 pm, petitioner's minor daughter, aged 16 years, went missing from home and did not come back. Petitioner tried to search her minor daughter everywhere but to no avail.
3. Upon her compliant, FIR No.760/2022 under Section 363 IPC at



Police Station Swaroop Nagar, Delhi was registered on 27.12.2022, i.e. one day after the incident. Petitioner also filed a complaint before the Delhi Commission for Women placing on the record the subsequent facts and records, however, till date her daughter has not been traced. Under these circumstances, the petitioner was constrained to prefer the instant petition

4. Fresh status report dated 16.11.2023 has been placed on record wherein it is stated that during the course of investigation, it was found that the kidnapped girl was found in friendship with a boy namely Sunny, aged 23 years who was living in DCM Colony, Delhi. Thereafter, CDR of mobile number of missing girl and alleged Sunny were obtained but after the day when the minor girl went missing, both the mobile numbers were found to be switched off. Thereafter, IMEI number of missing girl and Sunny were kept on surveillance but nothing was found. Raids were conducted at the possible hideouts of alleged Sunny at his native place, i.e District Baghpat and District Ghaziabad, UP, however, no clue was found. In this regard, on 22.06.2023, NBW against alleged Sunny Kumar son of Shiv Kumar also were issued by the learned trial Court, however, the same could not be executed. Proceedings under Section 82 Cr.P.C. have also been issued against the absconding Sunny. Moreover, at the instance of complainant Praveen Kumar, Rinku & Gaurav who are close friends of alleged Sunny have also been interrogated and their CDR was also obtained, but nothing fruitful came out. Moreover, mobile phone of Bua of alleged Sunny has also been obtained from IFSO/CCU Unit Delhi Police but the same is being analysed and no fruitful result till date has come out. It is further stated that assistance of AHTU/OND is also being taken for tracing out the kidnapped girl. It is further submitted that on 24.09.2023, complainant has been



interrogated and it came into notice that the missing girl contacted them for three times, i.e. on 17.09.2023, 22.09.2023 and 23.09.2023 through video call and voice call also via Facebook whereby she interacted with her mother and other family members and stated that she is safe and living happy life with the alleged boy Sunny. Thereafter, details of the said Facebook profile have been obtained which is in the name of one Nitin Pal and the said number is continuously switched off.

5. In light of the aforesaid and since all possible efforts to trace the missing girl have been made and the FIR is pending investigation, we hereby dispose of the present writ petition directing the concerned police officials to file a monthly status report before the concerned Metropolitan Magistrate and, if any, clue is found about the minor sister of the petitioner, the same shall be communicated to the petitioner.

6. With directions as aforesaid, the petition is disposed of.

(SURESH KUMAR KAIT)
JUDGE

(SHALINDER KAUR)
JUDGE

NOVEMBER 20, 2023/rk